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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,793	06/19/2001	Joel Zdepski	5266-03400	6907
44015	7590	09/25/2006	EXAMINER	
OPTV/MEYERTONS			SHANG, ANNAN Q	
RORY D. RANKIN			ART UNIT	
P.O. BOX 398			PAPER NUMBER	
AUSTIN, TX 78767-0398			2623	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,793	Applicant(s) ZDEPSKI, JOEL	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/13/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/30/06 has been entered.

Response to Arguments

2. Applicant's arguments/amendment with respect to claims 1-68 have been considered but are moot in view of the new ground(s) of rejection using the prior art of records, i.e., **Shoff et al (6,240,555)**.

With respect to amended claims 1-68, applicant discusses the prior art of records and argues that, "Shoff does not disclose generating any automatic selections that trigger provision of supplemental content..." and also further argues that, "Applicant finds no teaching or suggestion in Shoff of 'provision of said added content is triggered by said one or more automatic selections instead of said one or more user selections...'"

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Shoff discloses that activating the script or Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or

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along side the program and automatic displays additional buttons 212-221 and second tier of information which are synchronized to the program according to timing information (figs.8b, 8c, col.10, line 44-col.11, line 1+ and col.12, lines 48-col.13, line 1+). Hence, Applicant's amended claims do not overcome the prior art of record. The amendment to all the independent claims necessitated the new ground(s) of rejections discussed above. This office action is non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-68 are rejected under 35 U.S.C. 102(e) as being anticipated by **Shoff et al (6,240,555)**.

As to claim 1, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses a method of script usage in an interactive television system comprising:

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Executing an interactive application 'IAP' corresponding to a program (figs.2, 5, Processor 92 of Viewer Computing Unit 'VCU' 24 or STB 26, col.4, lines 14-34, line 56-col.5, line 23 and col.8, lines 4-34), note that VCU/STB 24/26 receives the TV program, the supplemental interactive content, an interactive icon "script" and the interactive application, via Head end 22, a television broadcaster and web content provider (col.4, lines 14-21 and line 43-col.5, line 1+), stores in memory (94/96, coupled to Tuner 98/100, fig.5, col.8, lines 4-38) and Processor 92 "a network communications operator," retrieves these contents and execute IAP to provide TV program, the icon and supplemental content accordingly on display 200 (figs.8a-8c, col.8, lines 38-61 and col.10, line 59-col.11, line 1+);

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where provision of the added content is configured to be triggered by one or more user selections (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59), note that the icon, other indicia on the screen informs the viewer that the program is interactive or includes supplemental content;

Generating one or more automatic selections associated with the opportunity (figs.8b and 8c), the generating comprising executing a script, where provision of the added content is triggered by the one or more automatic selections instead of one or more selections and providing the added content for display is response to detecting the automatic selections; and providing the added content for display in response to detecting the automatic selections (col.10, line 44-col.11, line 1+ and col.12, lines 48-

col.13, line 1+), note that activating the script or Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or along side the program and automatic displays additional buttons 212-221 and second tier of information which are synchronized to the program according to timing information.

As to claim 7, Shoff further discloses where the icon is configured to provide at least one of the one or more automatic selections associated with the opportunity at a predetermined time (col.9, lines 41-49 and col.11, lines 21-24 and line 48-col.12, line 1+).

As to claim 8 and 9, Shoff further discloses where the added content is pushed content (col.9, line 54-col.10, line 17 and line 50-col.11, line 1+).

As to claim 9, Shoff further discloses where the script is configured to store the one or more selections in a message queue in a repeated manner and where the interactive application is configured to determine whether one or more automatic selections exists by accessing the message queue (col.9, line 54-col.10, line 17 and line 50-col.11, line 1+).

As to claim 10, Shoff further discloses where at least one of the one or more automatic selections indicates a particular level of added content to be provided (col.5, lines 12-52), note that the user upon interacting to the icon receives different levels of the advertisements.

As to claim 11, Shoff further discloses displaying the advertisements on TV or Monitor 200 (figs.8a-8c).

As to claim 12, Shoff further discloses indicating default script usage preferences and storing the preferences (col.10, line 59-col.11, line 33).

As to claim 13, Shoff further discloses where the script is configured to simulate one or more user selections (col.10, line 59-col.11, line 33).

As to claim 14, Shoff further discloses where the icon is downloaded (col.10, line 59-col.11, line 33).

As to claim 15, Shoff further discloses where the icon is dynamically created (col.10, line 59-col.11, line 33).

Claim 16 is met as previously discussed with respect to claims 1-2.

Claims 17-18 are met as previously discussed with respect to claim 9.

As to claim 19, the claimed “a carrier medium comprising program instructions, where the program instructions are executable to...” contains the same structural elements as rejected claim 1.

Claim 20 is met as previously discussed with respect to claim 2.

Claim 21 is met as previously discussed with respect to claim 4.

Claim 22 is met as previously discussed with respect to claim 5.

Claim 23 is met as previously discussed with respect to claim 6.

Claim 24 is met as previously discussed with respect to claim 7.

Claim 25 is met as previously discussed with respect to claim 8.

Claim 26 is met as previously discussed with respect to claim 9.

Claim 27 is met as previously discussed with respect to claim 10.

Claim 28 is met as previously discussed with respect to claim 11.

Claim 29 is met as previously discussed with respect to claim 12.

As to claim 30, Shoff further discloses where the icon is downloaded (col.8, lines 35-51).

As to claim 31, Shoff further discloses where the icon is dynamically created (col.9, lines 35-65 and col.10, line 59-col.11, line 11).

Claim 32 is met as previously discussed with respect to claim 8.

As to claim 33, Shoff further discloses where the icon is configured to store the one or more automatic selections (col.9, line 54-col.10, line 17 and line 44-col.11, line 11).

As to claim 34, the claimed "a script usage device (set-top box 'STB' 11) comprising..." contains the same structural elements as rejected claim 1.

Claim 35 is met as previously discussed with respect to claim 2.

Claim 36 is met as previously discussed with respect to claim 3.

Claim 37 is met as previously discussed with respect to claim 5.

Claim 38 is met as previously discussed with respect to claim 5.

Claim 39 is met as previously discussed with respect to claim 6.

Claim 40 is met as previously discussed with respect to claim 7.

Claim 41 is met as previously discussed with respect to claim 8.

Claim 42 is met as previously discussed with respect to claim 9.

Claim 43 is met as previously discussed with respect to claim 10.

Claim 44 is met as previously discussed with respect to claim 11.

Claim 45 is met as previously discussed with respect to claim 12.

Claim 46 is met as previously discussed with respect to claim 30.

Claim 47 is met as previously discussed with respect to claim 31.

Claim 48 is met as previously discussed with respect to claim 8.

Claim 49 is met as previously discussed with respect to claim 32.

As to claim 50, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses and further discloses a system (Viewer Computing Unit 'VCU' 24 or STB 26) for automating user input in an interactive television system (ITV-System 20), comprising:

a first source (TV program Source via Tuner 98) configured to convey and interactive application to a receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18);

a second source (Supplemental Content Source via Tuner/Modem 100) configured to convey added content to the receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18); and

the receiver (VCU-24 or STB-26) coupled to the first source and the second source, where the receiver is configured to:

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where provision of the added content is configured to be triggered by one or more user selections (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59), note that the icon, other indicia on the screen informs the viewer that the program is interactive or includes supplemental content;

Generating one or more automatic selections associated with the opportunity (figs.8b and 8c), the generating comprising executing a script, where provision of the added content is triggered by the one or more automatic selections instead of one or more selections and providing the added content for display is response to detecting the automatic selections; and providing the added content for display in response to detecting the automatic selections (col.10, line 44-col.11, line 1+ and col.12, lines 48-col.13, line 1+), note that selecting Icon 204 displays the supplemental content as partly overlaid on the video program, or provided as a wrapper around or along side the program and automatic display of additional buttons 212-221 to provide second tier of information .

Claim 51 is met as previously discussed with respect to claim 2.

Claim 52 is met as previously discussed with respect to claim 3.

Claim 53 is met as previously discussed with respect to claim 2.

Claim 54 is met as previously discussed with respect to claim 2.

Claim 55 is met as previously discussed with respect to claim 6.

Claim 56 is met as previously discussed with respect to claim 4.

Claim 57 is met as previously discussed with respect to claim 5.

Claim 58 is met as previously discussed with respect to claim 6.

Claim 59 is met as previously discussed with respect to claim 7.

Claim 60 is met as previously discussed with respect to claim 8.

Claim 61 is met as previously discussed with respect to claim 9.

Claim 62 is met as previously discussed with respect to claim 10.

Claim 63 is met as previously discussed with respect to claim 11.

Claim 64 is met as previously discussed with respect to claim 12.

Claim 65 is met as previously discussed with respect to claim 30.

Claim 66 is met as previously discussed with respect to claim 31.

Claim 67 is met as previously discussed with respect to claim 8.

Claim 68 is met as previously discussed with respect to claim 32.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

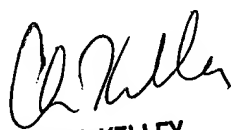
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.



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